

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ANGADBIR SINGH SALWAN,

Plaintiff,

v.

ANDRE IANCU, Under Secretary of  
Commerce for Intellectual Property and Director  
of the United States Patent and Trademark  
Office,

Defendant.

Civil Action No. 1:18-CV-1543  
(LMB/TCB)

**JOINT MOTION FOR BRIEFING SCHEDULE**

Pursuant to Local Rule 7(F)(2), the parties hereby jointly and respectfully move for entry of a briefing schedule in this action. The grounds for this motion are fully explained herein.

1. In the above-captioned action, the plaintiff challenges the decisions of the Patent Trial and Appeal Board affirming the Examiner's rejection of claims 1-20 of Patent Application Number 15/188,000 pursuant to 35 U.S.C. § 145.

2. The parties agree that discovery would not aid in the development of the record in this matter and agree to proceed exclusively on the administration record and subject to the Administrative Procedure Act ("APA"). *See Hyatt v. Kappos*, 625 F.3d 1320, 1336 (Fed. Cir. 2010) ("[I]t is well settled that a reviewing court must apply the APA's court/agency standard of review to Patent Office fact findings when no new evidence is admitted in a [35 U.S.C.] § 145 action.").

3. Thus, the parties agree that this matter may be adjudicated on cross-motions for summary judgment based on the evidence and argument in the administrative record, without discovery and without the need for Defendant to formally answer the complaint.

As such, the parties request the Court enter the following briefing schedule:

(1) Defendants shall file the administrative record by April 15, 2019.

- (2) Plaintiff shall file his motion for summary judgment and supporting memorandum by May 15, 2019.
- (3) Defendant shall file his own motion for summary judgment, with a single memorandum in support of his own motion and in opposition to Plaintiff's motion by June 14, 2019.
- (4) Plaintiff shall file a single memorandum containing reply arguments in support of his own motion for summary judgment and in opposition to defendants' motion for summary judgment by July 12, 2019.
- (5) Defendant shall file a reply memorandum in support of his own motion for summary judgment by August 2, 2019.
- (6) The parties shall notice hearings for their respective motions on August 9, 2019.

Respectfully submitted,

G. ZACHARY TERWILLIGER  
UNITED STATES ATTORNEY

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COUNSEL FOR DEFENDANT

DATE: April 10, 2019

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PLAINTIFF, PRO SE

DATE: April 10, 2019